

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THE NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS PENSION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS WELFARE
FUND, NEW YORK CITY DISTRICT COUNCIL OF
CARPENTERS VACATION FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS
ANNUITY FUND, NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS APPRENTICESHIP,
JOURNEYMAN RETRAINING, EDUCATIONAL
AND INDUSTRY FUND, NEW YORK CITY
DISTRICT COUNCIL OF CARPENTERS CHARITY
FUND, and THE NEW YORK CITY AND VICINITY
CARPENTERS LABOR MANAGEMENT
COOPERATION FUND, by MICHAEL J. FORDE, and
PAUL O'BRIEN, as TRUSTEES,

Plaintiffs,

-against-

RIVER AVENUE CONTRACTING CORP.,

Defendant.
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07 CV 6450 (JSR)

STIPULATION

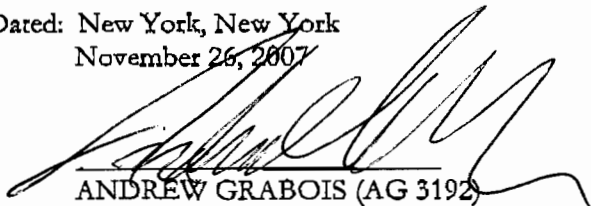
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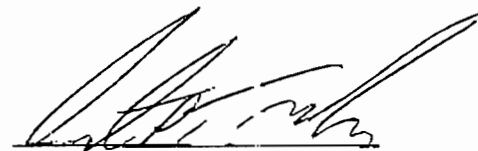
IT IS HEREBY STIPULATED, CONSENTED TO AND AGREED by and between the parties, through their undersigned counsel, that:

1. The evidentiary hearing scheduled for November 14, 2007 shall be adjourned until January 10, 2008 at 4 pm.
2. "Audit(s) of books and records", as used herein, shall refer to an examination by the Plaintiffs' auditors of documents including but not limited to a corporation or business entity's general ledger, bank statements, quarterly payroll tax returns, federal and state tax returns, cash disbursement records, contracts with subcontractors, invoices, canceled checks, certificates of insurance, bills of lading, final payroll tax forms, benefit stamp log, certified payroll(s), corporate dissolution papers, expense reports, proof of coverage on the Employer's medical plan, check stubs, time cards and such additional records as the Plaintiffs' auditors, in their sole judgment, may believe are needed to establish earnings records.
3. Defendant shall facilitate an audit of the books and records for the period of September 25, 2003 to date of Extreme Concrete Corp., R&N Concrete Corp., RAC Management Corp. and River Ave Properties, Inc.

4. Defendant shall make available, for audit, the books and records of the Defendant, Extreme Concrete Corp., R&N Concrete Corp., RAC Management Corp. and River Ave Properties, Inc. on November 27 and 28, 2007 at the offices of Plaintiffs' auditors Schultheis and Panettieri, located at 210 Marcus Boulevard Hauppauge, NY 11788. In the event Plaintiffs' auditors need additional time to conduct the audit of the books and records, the parties shall schedule a date or dates on November 28, 2007 to complete the audit no later than December 7, 2007.
5. Any Information which has been or will be disclosed directly or indirectly to it by Defendant, Extreme Concrete Corp., R&N Concrete Corp., RAC Management Corp. or River Ave Properties, Inc. shall be maintained by the Plaintiffs in confidence, and shall not be disclosed to any third person or entity without the respective corporation's prior express written consent. This paragraph shall not apply to the District Council For The New York City And Vicinity, United Brotherhood Of Carpenters And Joiners Of America ("Union"). Plaintiffs are permitted to share with the Union all information which has been or will be disclosed directly or indirectly to it by Defendant, Extreme Concrete Corp., R&N Concrete Corp., RAC Management Corp. or River Ave Properties, Inc.
6. Nothing in this stipulation shall be construed as an admission, or a waiver of defenses, or evidence of an alter-ego relationship or joint employer/single employer relationship by and between the Defendant and any of the other companies referenced in this litigation.
7. Nothing in this stipulation shall be construed as a dismissal or discontinuance of the above captioned action.
8. Nothing in this stipulation shall be construed as to limit the rights between the parties conferred under any relevant collective bargaining agreement.
9. Facsimile or electronic signatures shall be deemed as originals for the purpose of effectuating this stipulation.

Dated: New York, New York
November 26, 2007


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So Ordered:


Judge Jed S. Rakoff

11/29/07